

DEPARTMENT OF BENEFIT PAYMENTS

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November 17, 1976

ALL-COUNTY LETTER NO. 76-129

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: OVERPAYMENTS DUE TO ADMINISTRATIVE ERROR
(OLIVA v. SWOAP, 59 CAL.APP.3d 130)


REFERENCE:

In All-County Letter Nos. 74-2, 74-81 and 74-223, you were advised of the Amended Writ of Mandate issued by the Sacramento County Superior Court in the case of Oliva v. Carleson. In those letters you were directed to "cease using the grant adjustment method to recoup overpayments due to administrative error". This is to advise you that the Third District Court of Appeal has overturned the Superior Court's order in the Oliva case. The Court of Appeal ruled that there is statutory authority to adjust administrative error overpayments by the grant adjustment method in California. The decision of the Court of Appeal was final on August 26, 1976.

As a result of the Court of Appeal's ruling, All-County Letter Nos. 74-2, 74-81 and 74-223 are rescinded. Effective today you may use the grant adjustment method to recover administrative error overpayments. However, this method should be used to adjust only those overpayments which occurred on or after August 26, 1976.

If you have any questions about the Oliva case, please contact your AFDC program consultant at (916) 445-4458.

Sincerely,


MARION J. WOODS
Director

cc: CWDA

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